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BOSTON REDEVELOPMENT AUTHORITY

AUGUST 13, 1987

DEVELOPMENT PLAN
for

Planned Development Area No. 28
200 Allandale Street, Jamaica Plain
Design/Housing, Inc., Developer

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Design/Housing, Inc., Developer

DEVELOPER: The developer of the 200 Allandale Street Project is Design/Housing, Inc. (the "Developer"), a Massachusetts business corporation with a principal place of business at 111 Perkins Street, Jamaica Plain, Massachusetts 02130. The principal officers of the Developer are:

Arnold M. Soloway, President
Pablo Calderon, Vice President

ARCHITECT: The architect for the 200 Allandale Street project is Huygens, DiMella and Shaffer with offices at 286 Congress Street, Boston, Massachusetts 02110.

DESCRIPTION OF PLANNED DEVELOPMENT AREA: The PDA consists of a parcel of land in Boston, Suffolk County, Massachusetts containing 43.385 acres (1,889,851 square feet), as shown as Lot B on a plan entitled "Subdivision Plan of Land, Boston (West Roxbury District), Massachusetts", prepared by Henry F. Bryant & Son, Inc., Engineers, dated July 1, 1966, recorded with the Suffolk County Registry of Deeds at Book 8059, Page 619. A more detailed description of the PDA is attached hereto as Exhibit A. The PDA is identified as Assessors' Parcel 3590, Ward 20. Hereinafter, the site described above, and more particularly described in Exhibit A hereto, will be referred to as the "Site."

LOCATION AND APPEARANCE OF STRUCTURES: The location and appearance of the proposed structures will be as depicted on the plans entitled "Allandale, Boston, Massachusetts PDA Proposal prepared by Huygens, DiMella and Shaffer dated June 18, 1987 (the "Project Plans"), a list of which is attached as Exhibit B, as may be further amended pursuant to Design Review Procedures. The 200 Allandale Development contains nine (9) main residential buildings and two (2) accessory buildings. The main residential buildings have been designed to appear as large country manor houses. Architectural elements which accentuate the relationship of the structures to the natural site conditions consist of a series of three horizontal building material elements of masonry, stucco and wood trim. These elements settle the building into the topography of the Site and in affect retain the closeness of the buildings to ground elements. The buildings contain a highly

articulated facade with pitched roofs broken by various wings, dormers and chimneys for working fireplaces and as a design element to cover elevator mechanical system. The main structures are accessible from a single and obvious entryway which opens into a main foyer. The attached townhouse elements have been designed to appear as carriage house elements which would be incidental to a country manor and the townhouses have an entryway separate from the manor house. All of the units have porches, terraces and the townhouses open onto landscaped areas. A concierge building and a pool facility or clubhouse building will be located on the Site and set back from Allandale Street and will contain the same design elements as the Manor buildings of the development and as shown on the proposed Project Plans. With respect to the developed area of the Site, the areas surrounding the buildings are landscaped with extensively manicured formal landscaping between the structures and between structures and the roadway. Landscaping between the structures and the conservation areas allows for a gradual transition from a manicured formal landscape to the conservation area.

GENERAL DESCRIPTION OF PROPOSED DEVELOPMENT AND USE ALLOCATION:

The proposed development will be constructed in phases and this development plan provides for and authorizes the phased development of the Allandale Project. The Allandale Project consists of a 43.385 acre parcel of land which is to be used for residential purposes by the construction thereon of 108 units of housing, accessory parking, concierge/superintendent's facility, tennis courts, a swimming pool with a clubhouse facility, an internal road system, pedestrian paths, restored natural trails and conservation areas. The 108 residential units will consist of 106 condominium residential units to be located within nine buildings, consisting of two building types: Building type A which will contain 11 dwelling units, four units on the first level, four units on the second level and three units on the third level with underground parking for 18 motor vehicles; Building Type B which will contain 12 dwelling units, four units on the first level, four units on the second level and three units on the third level, with underground parking for 18 motor vehicles and an attached 2-story townhouse element with one dwelling unit and an attached two car garage. Additionally, the development will contain two rental units to be occupied by on-site personnel employed by the condominium association in maintenance and security positions. These units will be located in the concierge and clubhouse facilities.

Phase I: Phase I of the development consists of the construction of a portion of the interior road system for the Allandale Project and buildings 1 and 2 as shown on the Proposed Site Phasing Plan. The road will be constructed of a hard surface bituminous concrete substance and will be constructed so as not to be intrusive to the rural character of the site. In addition to the road system, a portion of the pedestrian paths and trails will be constructed

during Phase I on that portion of the site as shown on the Project Plans. Building 1 will contain 11 units and building 2 will contain 12 units. Upon the completion of a portion of the road system, the Developer will also construct a concierge or service facility located along the interior access drive. Additionally, all preliminary work necessary for sewer, water, underground utility conduits will be prepared to the extent possible during Phase I of the development so as to insure minimum disruption of the road surface during the construction of remaining phases. The total square footage for buildings 1 and 2 will equal approximately 67,000 square feet and the elevation of said buildings will be as shown on the Project Plans.

Phase II: Phase II of the development consists of the construction of buildings 3 and 4 which will contain 24 units, each building containing 12 units. The total square footage for buildings 3 and 4 will equal approximately 70,000 square feet and the elevation of said buildings will be as shown on the Project Plans. Phase II also consists of the construction of tennis courts and clubhouse/swimming pool facilities and the emergency access road.

Phase III: Phase III of the development consists of the construction of buildings 5 and 6 which will contain 24 units, each building containing 12 units. The total square footage for buildings 5 and 6 will equal approximately 70,000 square feet and the elevation of said buildings will be as shown on the Project Plans.

Phase IV: Phase IV of the development consists of the construction of building 7 which will contain 12 units. The total square footage for building 7 will equal approximately 35,000 square feet and the elevation of said building will be as shown on the Project Plans.

Phase V: Phase V of the development consists of the construction of buildings 8 and 9 which will contain 23 units, building 8 will contain 11 units and building 9 will contain 12 units. The total square footage for buildings 8 and 9 will equal approximately 67,000 square feet and the elevation of said buildings will be as shown on the Project Plans.

Copies of the Site Plan, Building Elevations and Floor Plans are included within the Project Plans, a list of which is attached hereto as Exhibit B, as may be further amended pursuant to Design Review Procedures. Hereafter, the foregoing construction will be referred to as the "Development."

ESTIMATED CONSTRUCTION TIME: The construction of the project shall be accomplished by a phased construction schedule and the commencement of construction shall be conditioned upon the issuance by the Boston Redevelopment Authority of final approval

of the Project Plans in accordance with the design review procedures referenced in this Plan. Furthermore, the commencement of Phases II, III, IV and V shall be conditioned upon the commencement of the construction of Phases I, II, III and IV respectively, unless the Authority and the Zoning Commission approve pursuant to an amendment to this plan a revised phasing sequence. The commencement of construction is conditioned upon the ability to proceed without an appeal of the Exceptions granted by the Board of Appeal, and if an appeal is filed pursuant to Section 11 of Chapter 665 of the Acts of 1956, the time for commencement of construction shall be extended for a period equal to that from the date of the filing of such appeal to the date of final adjudication thereof, provided further, that final adjudication is in favor of the Developer.

PROJECTED NUMBER OF EMPLOYEES: It is estimated that the project will generate 50-75 construction jobs from the commencement of construction for Phase I to the completion of construction for Phase V. It is estimated that the condominium Development will require approximately 8-10 personnel to staff security and building and grounds maintenance positions.

The Developer shall submit to the Mayor's Office of Jobs and Community Services and or the Authority prior to the issuance of the initial building permit for the Development a Boston Resident Construction Employment Plan, an Employment Opportunity Plan and a First Source Agreement, in accordance with the Mayor's Executive Order of July 12, 1985 and Chapter 12 as amended by Chapter 17 of the Ordinances of 1986.

FAIR HOUSING PLAN: The Developer shall submit a Fair Housing Plan to the Authority for the sale of the condominium units within the Development prior to the issuance of the schematic design approval for the Development. The Developer is not the subject of any outstanding Equal Opportunity/Fair Housing Complaints.

BUILDING DIMENSIONS: The main residential buildings constructed on the Site shall have the following approximate dimensions:

<u>Building</u>	<u>Length</u>	<u>Depth</u>	<u>Depth w/ Townhouse</u>	<u>Height</u>
Type A	156	107	N/A	48 max.
Type B	156	107	168	48 max.

With respect to the height of the main residential buildings, the height will vary due to the differing grade changes on the site, however, 48 feet is the maximum height of the buildings.

TRANSPORTATION ACCESS PLAN: The Developer shall enter into a Transportation Access Plan Agreement with the Authority and the City of Boston prior to the issuance of the initial building permit for the Development to provide adequate measures to mitigate transportation impacts, if any, from the Development.

PROPOSED TRAFFIC CIRCULATION: The Project Plans listed on Exhibit B, as may be further amended pursuant to Design Review Procedures, detail the proposed traffic access to the PDA and circulation within the PDA. Vehicular access to the housing and recreational areas of Phase I will be from Allandale Street, and traffic circulation within the site during Phase I will be restricted to the surface areas as shown on the plans attached hereto. The restriction of vehicular access to the conservation land is designed to increase the area available for passive pedestrian use. Pedestrian "traffic" will be able to access the Site via existing trails. Both the traffic circulation internally and externally to the Site and the mitigation of the impacts of projected traffic generated by the Development on the streets adjacent to the Site shall be set forth in the Transportation Access Plan Agreement.

PARKING AND LOADING FACILITIES: Parking for the Development shall be in three categories, underground parking, temporary visitor parking and amenity parking. Each of the nine residential structures will contain 18 parking spaces located within the basement level of the structure and the type B residential structures will also contain an attached two car garage. Thus the Development contains 176 covered garage parking spaces, approximately 47 on-site visitor spaces and 10 spaces adjacent to the swimming pool facility and tennis courts for a total of approximately 233 spaces. All loading facilities, to the extent necessary, will be located in the basement areas of the residential structures.

ACCESS TO PUBLIC TRANSPORTATION: The Site is not within walking distance from any MBTA rapid transit station. The Site is located on Allandale Street which is a road connecting Centre Street in Jamaica Plain/West Roxbury to Newton Street in Brookline. There is MBTA bus service along Centre Street and Newton Street, however, access to such service is limited due to the rural character of Allandale Street and the lack of sidewalks on a substantial portion of Allandale Street. Therefore, the Site is inaccessible by public transportation and will require access by private vehicle.

OPEN SPACES AND LANDSCAPING: The plans for Phases I, II, III, IV and V provide that upon completion of each phase there will be suitable landscaping incorporated into each phase. The conservation area will be designated on the plan entitled "Conservation Area Plan" included within the Project Plans, subject to Boston Redevelopment Authority approval. Plans showing

the pedestrian paths and trail system are incorporated in the Project Plans.

ENVIRONMENTAL REVIEW: The Developer has received a determination and an opinion from the Secretary of the Executive Office of Environmental Affairs that the Development is exempt from the requirement of filing an Environmental Notification Form ("ENF"). A 21E site evaluation report of the Site will be completed prior to the issuance of an initial building permit. The Developer will be required to file with the Boston Conservation Commission a Notice of Intent ("NOI") and receive approval from the Commission and an order of conditions, if applicable, prior to the issuance of an initial building permit.

COMPLIANCE WITH APPROVED DRAWINGS: The Developer shall construct the Development in accordance with the Project Plans for the Development, as more specifically listed on Exhibit B, as may be further amended pursuant to Design Review Procedures. The Development shall be subject to on-going design review through the contract document stage of design.

DESIGN REVIEW PROCEDURES: All design plans for the Development are subject to ongoing design review and approval by the Authority. Such review is to be conducted in accordance with that portion of the Authority's Development Review Procedures dated 1985, revised 1986, which pertains to the design features of the Development.

PROPOSED USES: The Site is currently located in an S.3 District. The permitted uses for the Development shall be limited to the following uses as described in Article 8, Section 8-7 of the Code:

<u>Code Use No.</u>	<u>Description</u>
7	Multi-family dwelling
30	Private Club operated for members only (only to the extent that the swimming pool facility or the tennis court facility is determined to be classified as a private club)
72	Parking as an accessory use
72A	Swimming pool and tennis court
83	Accessory use of dwelling for personnel required to reside on lot.

and other uses, both incidental and accessory, as necessary to accomplish the Development including during the period of construction, marketing and sale of the condominium units and

other uses as would be permitted from time to time in an S-.3 Residential district.

ZONING: Upon approval of the Overlay District PDA designation, the Development Site will be situated within a S-.3-D zoning district (Residential District). In such a district, relief from the requirements of the Code is sought as an Exception pursuant to Article 6A of the Code. The Development will require Exceptions for the following Code provisions:

Article 8, Section 8-7, Use No. 7: The residential use is classified as a multi-family use and such use will require an Exception from the provisions of the Code.

Article 8, Section 8-7, Use No. 30: The Development will contain a clubhouse facility adjacent to the swimming pool and this facility may be considered as a Use No. 30, private club, thus requiring an Exception from the provisions of the Code.

Article 14, Section 14-5(b) & (c): Due to the classification of the Development site as one lot containing nine residential structures and two structures with accessory dwelling units, the Code provisions relative to access for buildings on the rear of a lot and distance between buildings on the lot will require Exceptions from the provisions of the Code.

Article 16, Section 16-1: The height of the residential structures within the Development will be of varying heights (19.5, 31, 35, 39 and 48 feet) from the elevation of the ground adjoining the building on all sides, to the ridge line of the roof. The highest point will be 48 feet. Additionally, the building will contain three full levels of residential use and a mezzanine level above the third floor of the building, and thus resulting in a 3 1/2 story building in a 2 1/2 story zone. Therefore, relief will be sought in the form of an Exception from the provisions of the Code.

Article 22, Section 22-4: This article requires that the Development apply the provisions of Section 14-5(c) with respect to distance between buildings and, in so far as an Exception will be required from Section 14-5(c), an Exception will also be required from the provisions of the Code.

ADDITIONAL ZONING PROVISIONS: Upon (1) the request of the Developer, (2) receipt of a certificate from the Developer that the work on the Allandale Project has commenced and is diligently proceeding, and (3) a finding by the Director of the Authority that the Development has commenced and is diligently proceeding in accordance with the Development Plan, the Authority shall issue to the Commissioner of the Inspectional Services of the City of

Boston a certificate pursuant to Article 6A, Section 6A-1 of the Code, ("6A Certificate") stating that the work within the Planned Development Area has commenced and is diligently proceeding. This certificate shall be issued as provided for in said Section 6A-1 of the Code. The approval by the Authority of the Development Plan or the issuance by the Authority of the 6A Certificate shall be conclusive evidence to the Commissioner of the Inspectional Services Department that the work on the Allandale Project is diligently proceeding.

DENSITY: The floor area ratio ("FAR") of the Development including the structures in Phases I, II, III, IV and V shall be calculated by first determining the lot area of the site and applying as a factor to the lot area the total gross floor area of the buildings thereon. The total FAR for the PDA is .166, and the FARs for each phase based upon phasing parcel areas is as follows: Phase I: .283, Phase II: .21, Phase III: .262, Phase IV: .07, Phase V: .15. The basis for determining the PDA FAR is shown on the floor area ratio computation schedule attached hereto as Exhibit C.

DEED RESTRICTIONS: The Site shall be subject to a conservation restriction granted to the City of Boston Conservation Commission, and a private non-profit foundation among whose purposes is the preservation of conservation land, without any cost of the recipients. This conservation restriction will be granted in accordance with M.G.L. c.184, s.31.

With respect to approximately 16 acres of the Site, as shown on the proposed Project Plans, the restriction will preserve a wooded rural setting, which is a circumferential strip totally within the confines of the site. This land will be forever protected by a restriction which will specifically prohibit the following, except for purposes of the construction of the Development and necessary appurtenances thereto, such as underground utility conduits, including the replacement and repair thereof, (a) construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground; (b) dumping or placing of trash, waste or unsightly or offensive materials, (c) removal or destruction of trees, shrubs or other vegetation except as may be necessary or desirable to further the scenic beauty of the premises, (d) excavation, dredging or removal of loam, peat gravel, soil rock or other mineral substance in such manner as to affect the surface, (e) surface use except for forest or outdoor recreational purposes or purposes permitting the land or water area to remain predominantly in its natural condition, (f) activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or (g) other acts or uses detrimental to such retention of land or water areas.

With respect to approximately 27 acres of the Site upon which the buildings and road system are to be constructed, the restriction

Exhibit A

A certain parcel of vacant land in that part of Boston known as the West Roxbury District, (the premises) shown as Lot B on plan entitled "Subdivision Plan of land, Boston (West Roxbury district), Massachusetts, Henry F. Bryant & Son, Inc., Engineers, dated July 1, 1966, recorded with Suffolk Registry of Deeds Book 8059, Page 619, and bounded and described as follows:

NORTHERLY	by Allandale Street by three courses 198.87 feet, 565.84 feet and 225.33 feet;
NORTHWESTERLY	by a stone wall and land of various owners as shown on said plan, 791.84 feet;
SOUTHWESTERLY	by land of various owners as shown on said plan, 425 feet;
NORTHWESTERLY	again by land of various owners as shown on said plan, in two courses, 356.06 feet and 388.19 feet;
SOUTHWESTERLY	again by land of various owners as shown on said plan, 76.07 feet, 70.22 feet and 105.07 feet;
SOUTHERLY	407.38 feet;
SOUTHEASTERLY	540.07 feet;
SOUTHWESTERLY	by an irregular line for the most part forming a stone wall, 427.33 feet;
SOUTHERLY	384.67 feet;
SOUTHERLY	by a curved line, 110.85 feet;
SOUTHEASTERLY	521.20 feet;

All of said last named courses are bounded by land of the City of Boston, except for a small portion bounded by land of the Jewish Women's Health Association.

EASTERLY	286.44 feet;
NORTHEASTERLY	368.34 feet; and
EASTERLY	again 258.47 feet.

The last three courses being by Lot A shown on said plan.
Containing according to said plan, 43.385 acres.

Exhibit B

List of PDA Plans

List of the Plans and Drawings Entitled:
"Allandale Boston, Massachusetts PDA Proposal."
Prepared By Huygens, DiMella and Shaffer,
dated June 18, 1987.

1. Prospective of Building Type B
2. Prospective of Building Type A
3. Site Plan
4. Site Plans-Trails and Paths
5. Site Plan-Proposed Phasing
6. Proposed Lot Plan
7. Site Sections
8. Typical Cluster Plan
9. Front Elevations
10. Side Elevations
11. Side Elevations
12. Rear Elevations and Building Sections
13. Floor Plan-Building Type A
14. Third Floor Plan-Building Type A
15. Third Floor and Mezzanine Plan-Building Type A
16. Townhouse Floor Plan
17. Parking Level Plan-Building Type A
18. Existing Wetlands Map
19. Conservation Area Plan

8/11/87

Exhibit C

Floor Area Ratio Computation*

<u>Building</u>	<u>Number</u>	<u>Area</u>	<u>Total</u>
Type A	2	32,000	64,000
Type B	7	35,000	245,000
Concierge	1	2,000	2,000
Clubhouse	1	2,400	<u>2,400</u>
Totals			313,400

Lot Area 1,889,851

Total Floor Area Ratio For Site .166

Floor Area Ratio For Each Phase

Phase I

<u>Lot No.</u>	<u>Lot. Sq. Ft.</u>	<u>Bldg. No.</u>	<u>Bldg. Sq. Ft.</u>
2	93,650	1	35,000
11	94,075	2	32,000
1	<u>57,531</u>	Concierge	<u>2,000</u>
	245,256		69,000

$$\frac{69,000}{245,256} = .283$$

Phase II

<u>Lot No.</u>	<u>Lot. Sq. Ft.</u>	<u>Bldg. No.</u>	<u>Bldg. Sq. Ft.</u>
3	172,950	3	35,000
4	95,840	4	35,000
9	<u>79,310</u>	Clubhouse	<u>2,400</u>
	348,100		72,400

$$\frac{72,400}{348,100} = .21$$

<u>Lot No.</u>	<u>Lot. Sq. Ft.</u>	<u>Bldg. No.</u>	<u>Bldg. Sq. Ft.</u>
8	151,630	6	35,000
10	<u>115,890</u>	5	<u>35,000</u>
	267,520		70,000

$$\frac{70,000}{267,520} = .262$$

Phase IV

<u>Lot No.</u>	<u>Lot. Sq. Ft.</u>	<u>Bldg. No.</u>	<u>Bldg. Sq. Ft.</u>
5	451,110	7	35,000

$$\frac{35,000}{517,330} = .07$$

Phase V

<u>Lot No.</u>	<u>Lot. Sq. Ft.</u>	<u>Bldg. No.</u>	<u>Bldg. Sq. Ft.</u>
6	183,840	8	35,000
7	<u>333,490</u>	9	<u>32,000</u>
	517,330		67,000

$$\frac{67,000}{517,330} = .15$$

*The gross floor area is approximate.

8/11/87

COOPERATION AGREEMENT

FOR

PLANNED DEVELOPMENT AREA NO.28

200 ALLANDALE STREET

AGREEMENT made as of the day of , 1987, by and between the BOSTON REDEVELOPMENT AUTHORITY (the "Authority") and DESIGN/HOUSING, INC., a Massachusetts business corporation (the "Applicant").

WITNESSETH, that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Authority will petition the Zoning Commission of the City of Boston on behalf of the Applicant to designate as a Planned Development Area ("PDA") the land in said city numbered 200 Allandale Street, Ward 20, containing 43.385 acres, as more particularly described in Exhibit A attached hereto ("Locus").

2. The Applicant will, subject to Section 11 of this Agreement, proceed with the planning and design for the Locus in a manner consistent with the development concept, land uses and density contemplated in the Development Plan for Planned Development Area No. 28 (the "Plan") approved by vote of the Authority on August 13, 1987 (the "Vote") after notice and public hearing at its meeting held on July 16, 1987 and continued at its meeting held on August 13, 1987. A certified copy of the Vote is attached hereto as Exhibit B together with a copy of the Plan.

3. The Applicant has contracted with Huygens, DiMella and Shaffer of Boston as architects ("Architect") to provide drawings and specifications for the Project to be constructed in accordance with the Plan and has contracted with Joseph Hudak as landscape architect ("Landscape Architect") to provide drawings and specifications for the landscaping of the Project to be completed in accordance with the Plan.

4. The Applicant and the Authority hereby agree that the design review process required by the Plan to be observed by the parties shall be as set forth in "Development Review Procedures", BRA, 1985, revised 1986 ("Design Review Process").

5. The Applicant shall submit a transportation access plan to the Commissioner of Transportation and the Director of the Authority. The transportation access plan will identify construction, traffic, and parking impacts and specify mitigating measures that are satisfactory to the Commissioner of Transportation and the Director of the Authority.

6. Prior to the issuance of the initial building permit for the Project, the Applicant, the Authority, and the City of Boston shall enter into a Transportation Access Plan Agreement that obligates the Applicant to implement measures to mitigate the construction, traffic, and parking impacts of the Project to be constructed in accordance with the Plan.

7. The Authority acknowledges that the Applicant has received approval of the _____. The Applicant acknowledges that the proposal requires review and approval by the Authority of _____, as outlined in the Authority's Development Review Procedures.

8. The Applicant represents to the Authority that preconstruction site work for Phase I of the Project is scheduled to be completed within six (6) months after acquisition of the Locus by the Applicant and that construction of the Project in accordance with the Plan will require approximately _____ additional months. Accordingly, subject to intervening circumstances which might arise, the Applicant expects that the Phase I will be initially occupied and placed in operation within twenty-four (24) months after acquisition of the Locus.

9. The Authority will informally advise and will actively cooperate with and publicly support the Applicant's efforts in obtaining from the appropriate municipal, state and federal entities and agencies all such permits, licenses and approvals, and exceptions, variances, and other deviations from the normal application of the applicable zoning and building codes and other ordinances and statutes which may be required in order to carry out the development of the Project in accordance with the Plan. The Authority shall also cooperate fully in any amendment processes necessitated as a result of the refinement of the drawings and specifications developed during the Design Review Process.

10. The Authority agrees to look solely to the Applicant's interest in the Project or to that of its successors and assigns, as the case may be, for any claim against the Applicant or its successors and assigns arising under this Agreement or in connection with such Project. Neither the Applicant nor any trustee, beneficiary, partner, venturer, stockholder, manager, officer, director, agent or employee of the Applicant or its successors and assigns shall ever be personally liable under this Agreement; nor shall it or they ever be answerable or liable in any equitable proceeding or order beyond the extent of its or their interest in the Project.

11. If, in the future, the Applicant shall, in its reasonable judgment, determine that it has become infeasible to proceed with the whole or any portion of the approved Plan, then in such case and after substantiation by the Applicant to the satisfaction of the Authority of the reasons for not being able to proceed, the Authority shall cooperate with the Applicant to

modify, alter or amend its approval of the Plan in order to allow the Applicant the opportunity to reasonably develop the land.

12. The Applicant shall submit a plan, to be known as a Boston Residents Construction Employment Plan to the Director of the Authority which plan shall set forth in detail the Applicant's plans to ensure as set forth therein that its general contractor and those engaged by said general contractor for construction of the proposed development on the Locus on a craft by craft basis, meet the following Boston Residents Construction Employment Standards: (1) at least 50 percent of the total employee workerhours in each trade shall be by bonafide Boston residents; (2) at least 25 percent of the total employee workerhours in each trade shall be by minorities; and (3) at least 10 percent of the total employee workerhours in each trade shall be by women. The Applicant shall include in the plan provisions for monitoring, compliance and sanctions. The Applicant shall submit the plan to the Director of the Authority prior to issuance of the initial building permit for the Project. For purposes of this Section 12, workerhours shall include, without limitation, on-the-job training and apprenticeship positions.

13. The Applicant shall formulate an Employment Opportunity Plan which shall provide for the Applicant's good faith efforts to achieve a goal that 50 percent of the permanent employment opportunities created by the Project shall be made available to Boston residents. The Applicant shall submit the plan to the Director of the Authority prior to issuance of the initial building permit for the Project.

14. The Applicant shall formulate a Fair Housing Plan which complies with the City of Boston Fair Housing and Employment Plan and shall submit said Fair Housing Plan to the Director of the Authority prior to the issuance of the schematic design approval for the Project.

15. This Agreement shall be binding upon the successors and assigns of the Applicant and the Authority.

16. Each and every covenant and agreement contained in this Agreement is and shall be construed to be a separate and independent covenant and agreement. If any term or provision of this Agreement or the application thereof to any person or circumstance shall to any extent be invalid and unenforceable, the remainder of this Agreement or the application of such term to persons or circumstances other than those as to which it is invalid or unenforceable shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

IN WITNESS WHEREOF the parties have caused this instrument to be executed in their behalf by their respective representatives thereunto duly authorized as of the day and year first above set forth.

WITNESS:

BOSTON REDEVELOPMENT AUTHORITY

By:

Stephen Coyle, Director
Hereunto Duly Authorized

WITNESS:

DESIGN/HOUSING, INC.

By:

Arnold M. Soloway, President
Hereunto Duly Authorized

Approved as to form:

Chief General Counsel
Boston Redevelopment Authority

Exhibit A

A certain parcel of vacant land in that part of Boston known as the West Roxbury District, (the premises) shown as Lot B on plan entitled "Subdivision Plan of land, Boston (West Roxbury district), Massachusetts, Henry F. Bryant & Son, Inc., Engineers, dated July 1, 1966, recorded with Suffolk Registry of Deeds, Book 8059, Page 619, and bounded and described as follows:

NORTHERLY	by Allandale Street by three courses 198.87 feet, 565.84 feet and 225.33 feet;
NORTHWESTERLY	by a stone wall and land of various owners as shown on said plan, 791.84 feet;
SOUTHWESTERLY	by land of various owners as shown on said plan, 425 feet;
NORTHWESTERLY	again by land of various owners as shown on said plan, in two courses, 356.06 feet and 388.19 feet;
SOUTHWESTERLY	again by land of various owners as shown on said plan, 76.07 feet, 70.22 feet and 105.07 feet;
SOUTHERLY	407.38 feet;
SOUTHEASTERLY	540.07 feet;
SOUTHWESTERLY	by an irregular line for the most part forming a stone wall, 427.33 feet;
SOUTHERLY	384.67 feet;
SOUTHERLY	by a curved line, 110.85 feet;
SOUTHEASTERLY	521.20 feet;

All of said last named courses are bounded by land of the City of Boston, except for a small portion bounded by land of the Jewish Women's Health Association.

EASTERLY 286.44 feet;

NORTHEASTERLY 368.34 feet; and

EASTERLY again 258.47 feet.

The last three courses being by Lot A shown on said plan. Containing according to said plan, 43.385 acres.

MEMORANDUM OF SUBSIDIARY FINDINGS
IN CONNECTION WITH THE DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT AREA NO. 28
200 ALLANDALE STREET
JAMAICA PLAIN
DESIGN HOUSING, INC. DEVELOPER

The Authority finds that the Development Plan the "Development Plan" for Planned Development Area No. 28 is enacted by the Authority pursuant to Article 3, section 3-1A of the Boston Zoning Code, as amended, ("Code") in order to insure that the development, construction and use of the land and buildings within PDA No. 28 are in conformity with the hereinafter established restrictions, controls and limitations set forth in the Development Plan.

The Authority has approved the Development Plan as being consistent with the general plan of the city as a whole. The basic document comprising the general plan of the city is the "1965/1975 General Plan for the City of Boston, March 1965" ("General Plan"). The General Plan was adopted by the Authority as an interim document containing a statement of the policies and programs which were intended to shape the development of the City of Boston. Although it was originally intended to reach only to 1975, the basic elements of the 1965 General Plan and its fundamental recommendations have maintained their relevance as a guide to the city's development to the present day. Its precepts and recommendations therefore form the basis for the approval of this Development Plan.

One of the recommendations in the General Plan was to update the new (1965) Zoning Code. Therefore, one of the functions of the General Plan was to provide guidelines for revisions of the City's zoning maps and standards for passing on applications for zoning variances. The Authority in carrying out this task petitioned the Zoning Commission in May 1968 to amend the Code to allow for the establishment of certain special purpose overlay districts, referred to as planned development areas, provided that the Authority approve a development plan for such areas. The standard for approval of such a development plan is that it would conform to the general plan for the city as a whole and that nothing in such plan would be injurious to the neighborhood or otherwise detrimental to the public welfare. A development plan for a PDA provides guidelines and controls for development and subjects the development to standards for deviations from the provisions of the Code. These standards are set forth in Article 6A, Section 6A-3, which requires that: "(1) such exception is in harmony with the general purpose and intent of the Code, (2) the exception requested is in conformity with the development plan for the planned development area, and (3) such conformity has been certified to by the Boston Redevelopment Authority." This Development Plan provides for such controls and guidelines and subjects the PDA to the required Code standards for deviations.

In addition to the General Plan, there are other supplemental and area specific studies which are relevant to the Authority's review of this Development Plan. In a publication entitled Boston Urban Wilds published by the Boston Redevelopment Authority in conjunction with the Boston Conservation Commission in 1982, the Allandale site was identified as one of the urban wilds sites in the city which should be protected by conservation restrictions. As stated in the foreword to the publication: "Time has come to protect the natural areas that are privately held so that they can also contribute to the quality and diversity of the city's open space inventory now and in the future. The Boston Urban Wilds Study addresses natural area conservation creatively and thoroughly. It is an important first step towards insuring that Boston will continue to meet the open space needs of its citizens and to maintain a pleasant environment in which to live." As set forth in the study, the Allandale site, or Bakalar Estate as then referred to was identified as a level 3 site which was determined to be less critical in terms of neighborhood needs. The study also called for the use of conservation easements and encouraged that any future development of the site be within the confines of the height and density restrictions of the Code and utilize available planning techniques of the city, such as planned development areas.

The Authority also takes note of the study prepared by the Boston Conservation Commission and the Brookline Conservation Commission and dedicated to Frederick Law Olmstead entitled: Charles to Charles. This study was prepared by the commissions to explore the Charles to Charles corridor concept for Boston, Brookline and Newton. A portion of corridor is described as the middle section of the corridor and is commonly described as that area located from the Cabot Estates and Jamaica Pond through the Larz Anderson Park, the Country Club, the Allandale Farm, the Brandegee Estate, the Bakalar Estate (the Allandale Site) and the Arnold Arboretum. In addition to these major properties, there are other properties within the corridor which are evaluated by the study. The study concludes that a determined effort should be made to conserve open space, and further describes opportunities to expand the framework of existing public use and private open spaces in Charles to Charles conservation recreation corridor. The report highlights ways in which land can be preserved both private and public use and encourages the use of conservation restrictions or easements and planned development zoning. Both of these techniques are evident in the plan before the Authority and have been employed by the developer for the Allandale Site, as the site will be subject to this Development Plan which includes, in addition to the controls on height, density and location of structures, the establishment of a conservation restriction in perpetuity.

The Authority finds that the Development Plan provides for the appropriate development of a large, rural and open site in a manner consistent with the goals and needs of the General Plan. Specifically the Development Plan provides for a 106 residential condominium units, two rental units for employees of the

residential community, parking within the proposed structures for 176 cars, on-site visitor parking for approximately 47 cars, on-site amenity parking for approximately 10 cars, tennis courts, swimming pool, and, importantly, a conservation restriction over the entire 43 acres restricting future development on approximately 16 acres for perpetuity and limiting development on the remaining 27 acre developed portion of the site. Additionally, this Development Plan provides for the formulation of a Cooperation Agreement between the Authority and the Developer which will delineate the responsibilities of the Authority and the Developer and provide for the execution of additional plans with city agencies, such as a Boston Residents Construction Employment Plan, a Boston Residents Employment Opportunity Plan, a Fair Housing Plan, a Transportation Access Plan, a Traffic Maintenance Plan, and a Conservation Area Maintenance Plan. Furthermore, this Development Plan provides significant public benefits in the form of substantial increases in real estate taxes, the conservation of open space and the preservation of a portion of the Charles to Charles corridor. The Development Plan complements the city's goals for this decade in that the proposed project tangibly extends development benefits to the city's neighborhoods in the form of new housing.

The Development Plan specifies appropriate planning and development controls on the PDA including: (1) the limitation of the area of the PDA; (2) the requirement of design review by the Authority of the structures within the PDA; (3) the limitation of development of open areas; (4) the enumeration and limitation of types of uses within the PDA; (5) the restriction of density of structures within the PDA; (6) the inclusion of conservation restrictions; and (7) the continuing review and control by the Authority on the PDA.

In addition to the beneficial effect of the specific features of the Development Plan on the attainment of enumerated Code purposes, the Development Plan as a whole preserves and increases the amenities of the City as contemplated by the Code. Specifically, the development of housing and the preservation of open areas promotes the health, safety, convenience, morals and welfare of the inhabitants of the City, and by controlling the design, location and appearance of the structures, the Development Plan encourages the most appropriate use of the land. The incorporation of these elements corresponds to the general purpose of the Code, and the carrying out of the Development Plan will be of benefit to the local neighborhood and not injurious to that neighborhood, nor detrimental to the public welfare of the inhabitants of the neighborhood or the city.

Approved by vote of the Board of Directors of the Boston Redevelopment Authority on August 13, 1987.

CHESTER S. WEINERMAN
ATTORNEY AT LAW
45 Bromfield Street
Boston, Massachusetts 02108

August 4, 1987

Robert L. Farrell, Chairman
Boston Redevelopment Authority
City of Boston
City Hall
9th Floor
Boston, MA 02201

Dear Mr. Farrell:

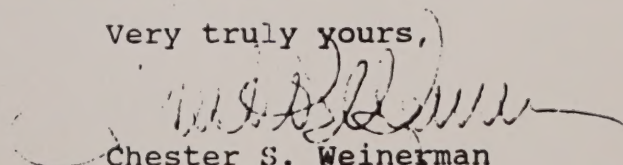
This letter is to indicate my full support for the Allandale development proposed by Design/Housing, Inc. and Arnold Soloway.

As both a concerned resident of the area and a member of the Hackensack Neighborhood Association, I have carefully reviewed planning and design of the Allandale development. I am singularly impressed with the care and dedication manifested in these plans. Dr. Soloway seems committed to preserving the open, "woodsy" feel to the area; and the low density approach is one that will not ruin this beautiful preserve in a way that other developers might.

Less than a mile away is another example of the quality design by this developer. I am quite familiar with the townhouses across from the Larz Anderson Park for which Dr. Soloway was the developer. His attention to detail and to the highest quality of construction make him and his corporation a most desirable team for neighbors who are concerned about maintaining -- and in fact improving -- the integrity of the neighborhood.

Dr. Soloway repeatedly has involved the neighborhood in the planning. He is and I trust will remain accessible. Having seen his plans, his past performance, and knowing his reputation, I am without reservation in urging the Boston Redevelopment Authority to approve the project. It has broad community support, and I wish to lend my voice to that sentiment enthusiastically.

Very truly yours,


Chester S. Weinerman
20 Payson Road

cc: Arnold M. Soloway
James H. Greene, Esquire

COPY

August 4, 1987

15 Hackensack Court
Chestnut Hill, MA 02167

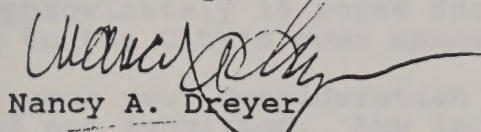
Robert L. Farrell, Chairman
Boston Redevelopment Authority
City of Boston
City Hall
9th Floor
Boston, Massachusetts 02201

Re: Allandale

Dear Chairman Farrell:

I am writing to express my support for the proposed development of the Allandale property by Mr. Arnold Soloway and his associates. I have seen their recent plans and, in fact, participated in their evolution through various meetings that Mr. Soloway has had with representatives of the Hackensack Neighborhood Association. I believe that the proposed development will enhance the quality of life that makes Boston such a desirable place to live.

Yours truly,

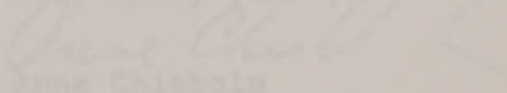


Nancy A. Dreyer

cc: ~~Mr. Arnold~~ M. Soloway
James H. Greene, Esquire

Thank you for your time and attention.

Very truly yours,


Anne Christol

cc: Arnold M. Soloway
James H. Greene, Esq.

ANNE CHISHOLM
18 HACKENSACK CIRCLE
WEST ROXBURY, MA 02167

August 4, 1987

Robert L. Farrell, Chairman
Boston Redevelopment Authority
City of Boston
City Hall
9th Floor
Boston, Massachusetts 02201

Re: Submission of Arnold Soloway for PDA
for Property on Allandale Street

Dear Chairman Farrell:

I am writing to voice my support for the proposed development by Mr. Soloway of 110 condominium units on the parcel of land known as the Bakalar Estate.

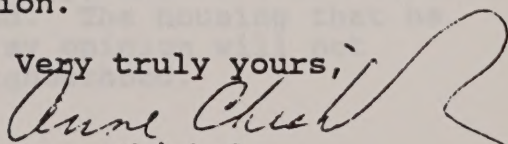
Since last spring, Mr. Soloway has met with abutters of the property to discuss height, density, access and design of the development. Initial proposals were refined; height was lowered, density decreased and the footprint compacted. All of these refinements have resulted in a proposal which truly reflects the concerns and wishes of the surrounding community.

This parcel was identified many years ago, in a publication entitled Boston Urban Wilds published and distributed by the Boston Redevelopment Authority, as a parcel which should be protected by conservation restrictions. Mr. Soloway recognizes the significance of this site and has committed to permanently deed approximately 15 acres for conservation, thus substantially adding to the City's open space inventory.

I urge your consideration and approval of this project as now defined and submitted. Any increases in density or height, changes in access to site, or substantial variations in design, would only prove to erode the community support and negate our work over the past year.

Thank you for your time and attention.

Very truly yours,


Anne Chisholm

cc: Arnold M. Soloway
James H. Greene, Esq.

Kenneth J. Rothman
15 Hackensack Court
Chestnut Hill, MA 02167

August 4, 1987

Robert L. Farrell, Chairman
Boston Redevelopment Authority
City of Boston
City Hall
9th Floor
Boston, Massachusetts

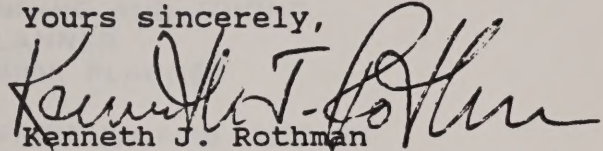
Dear Chairman Farrell:

I am writing in regard to the proposal of Mr. Arnold Soloway to develop the Bakalar property in West Roxbury. The development of this property concerns me greatly, not only because it might affect the character of our entire neighborhood, but also because the property directly abuts my own. As president of the Hackensack Neighborhood Association, I have been invited to meet with Mr. Soloway on several occasions during the past year to discuss his plans for the development of the property.

In direct contrast to my experience with a previous developer who wished to build on this property, I have found Mr. Soloway to be both responsible in his statements, and responsive to community interests. The plans that he has shown us are remarkable for their foresight in preserving the natural beauty of the land and preserving the quiet residential harmony of our small neighborhood. Our concerns about the development of this property have centered on the possible visual intrusion of the development, the loss of woodland, increases in traffic on Allandale Road and Hackensack Road, and noisier during and after construction. Mr. Soloway has not only listened attentively to these concerns, but has modified his development plans to preserve a great deal of the natural beauty of this wooded site, to restrict the number of units to a relatively small number of units aggregated unobtrusively at the center of the property, and to limit traffic access to one entrance on Allandale road. The housing that he proposes to build is attractive and in my opinion will not adversely affect the quality of our neighborhood.

Considering the many ways in which development of this land could permanently destroy the rural setting that gives the unique character to our urban neighborhood, and the great likelihood that if Mr. Soloway's plans do not proceed that ultimately a less desirable plan would be imposed upon us, I strongly urge that his plan be approved.

Yours sincerely,


Kenneth J. Rothman

cc: James H. Greene, Esquire
Arnold M. Soloway

MEMORANDUM

AUGUST 13, 1987

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: WILLIAM WHITMAN, ASSISTANT TO THE DIRECTOR
LINDA BOURQUE, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD PLANNING AND ZONING
JOHN BELL, SENIOR PLANNER
ANTONIO TORRES, SENIOR PLANNER

SUBJECT: CONTINUED HEARING FROM JULY 16, 1987 ON
200 ALLANDALE STREET, JAMAICA PLAIN

EXECUTIVE
SUMMARY:

Request Board approve Development Plan for proposed Planned Development Area designation for 200 Allandale Street, Jamaica Plain to construct 106 luxury condominiums and two apartments.

At the Board meeting of July 16, 1987 the Development Plan for 200 Allandale Street was first submitted to the Board. The development team also made a presentation to the Board. After discussion, the Board continued the hearing and directed the staff to further complete the project review. Since July 16 this has been accomplished.

Design/Housing, Inc., Arnold M. Soloway, President and Treasurer, and Pablo Calderon, Vice President, seek a Planned Development Area designation for a parcel of land at 200 Allandale Street, Jamaica Plain commonly known as the Bakalar Estate. The proposal consists of nine 3½-story residential buildings containing 106 luxury condominiums and two rental apartments. The units will be primarily two bedrooms plus a study at approximately 2,400 square feet per unit. There will be underground and garage parking for 176 cars and surface parking for at least an additional 57, creating a greater than 2:1 ratio. Amenities include two tennis courts, a swimming pool, a recreation building, on-site service personnel and the designation of conservation land with pathways. The price of the units are proposed to range from approximately \$390,000 to \$425,000.

Mr. Soloway's housing development experience includes the development of the Jamaicaaway Tower and Townhouses and more recently the Townhouses at Larz Anderson in Brookline. Mr. Calderon was for four years the Executive Director of the Riverside/Cambridgeport Community Corporation, a C.D.C. involved in the production of low- and moderate-income housing. The firm of Huygens, DiMella and Shaffer has been retained as architects for the proposed project, and Joseph Hudak as landscape architect.

AW1/B/081287/1

The parcel is located off Allandale Street, Jamaica Plain at the border of West Roxbury and Brookline. The site is an undeveloped 43.385 acres and is heavily forested with two ponds and numerous rock out-croppings. The property was deemed as Urban Wilds site by the Authority. To the south lies public parkland along the VFW Parkway, to the west and east are residential neighborhoods, and to the north is the Allandale Farm.

A significant public benefit of this proposal is the retention of a large area, currently proposed to be approximately sixteen acres whose metes and bounds will be determined through design review, which will be placed under a perpetual conservation restriction, thereby insuring that the land will forever remain in its natural and undeveloped state. This area will have footpaths throughout, will be fully accessible to the public, and will connect with adjoining public parcels and open space. Additionally, because the development will be less dense in floor area ratio and total number of living units than what is allowed as-of-right (630,000 square feet of building and approximately 135 units), and because of the cluster design of the buildings, the project will further preserve more of the site's open space than if built in accordance with the Zoning Code. Nonetheless, some topographical changes will be made to accommodate the development. The project will require a Wetlands Order of Conditions permit from the Boston Conservation Commission and was reviewed by the Massachusetts Secretary of Environmental Affairs who has determined that the project need not file an Environmental Notification Form. Water and sewer service will be provided from Boston.

The proposed Planned Development Area is within an S-.3 district. The zoning relief requested are exceptions to the Code pursuant to Article 6-A. Exceptions necessary for the proposal will be for multi-family use, accessory clubhouse use, distance between buildings on the same lot, and building height.

The project requires a Transportation Access Plan and a Fair Housing Plan.

The community is represented by the Hackensack Neighborhood Association, the Jamaica Hills Association and the trustees of the John L. Brandagee estate, as well as the Neighborhood Councils of Jamaica Plain and West Roxbury. The developer has met for more than year with the neighborhood organizations, and, at the request of the BRA, with the neighborhood councils this summer. Community input has shaped the development and the proposal has broad support from the Hackensack Road and Jamaica Hills neighborhood.

The basic size and ownership requirements for a Planned Development Area have been met, and the design review process has resulted in the Development Plan presented today.

We therefore recommend that the Boston Redevelopment Authority approve the Development Plan for the Planned Development Area No. 28 as presented, and authorize the Director to petition the Zoning Commission for a Planned Development Area subdistrict designation, bounded as described.

VOTED: That in connection with the Development Plan for 200 Allandale Street, Jamaica Plain, presented at the public hearing duly held at the offices of the Authority on July 16, 1987, and continued to August 13, 1987, and after consideration of the evidence presented at that hearing including a memorandum of subsidiary findings in connection with the development, a copy of which is attached to this vote, the Boston Redevelopment Authority adopts said findings and further finds that said plan (1) conforms to the general plan for the City of Boston as a whole; (2) contains nothing that will be injurious to the neighborhood or otherwise detrimental to the public welfare; and (3) does adequately and sufficiently satisfy all the criteria and specifications for a Planned Development Area subdistrict designation set forth in the Boston Zoning Code as amended;

AND FURTHER

VOTED: That pursuant to the provisions of Section 3-1A of the Boston Zoning Code as amended, the Boston Redevelopment Authority hereby approves the Development Plan for 200 Allandale Street, Jamaica Plain. Said Development Plan is embodied in a written document entitled "Development Plan for Planned Development Area No. 28 dated August 13, 1987, and in a series of plans listed in Exhibit B of said document; said document and plans shall be on file in the Office of the Neighborhood Planning and Zoning Department of the Authority;

AND FURTHER

VOTED: That the Authority hereby authorizes the Director to petition the Zoning Commission of the City of Boston for a Planned Development Area subdistrict designation for the parcel of land which is the subject of the Development Plan for Planned Development Area No. 28 to execute in the name and on behalf of the Authority a Cooperation Agreement, a Transportation Access Plan Agreement, and any other documents required by the Cooperation Agreement, all in the Authority's usual form, with the developer of said Planned Development Area; and to certify, in the name and on behalf of the authority, that plans submitted to the Building Commissioner in connection with said Area are in conformity with said Development Plan;

AND FURTHER

VOTED: That in reference to petition(s) to be brought before the Board of Appeal by Design/Housing, Inc., for exceptions as listed in the Development Plan for Planned Development Area No. 28 which is approved by the Authority today, the Boston Redevelopment Authority recommends approval provided that the Zoning commission will have adopted a Map Amendment designation the land involved as a Planned Development Area, and provided, further, that final plans be submitted to the Authority for design review to ensure that the plans are consistent with the plans previously approved by the Authority and with said Development Plan; and the Authority hereby authorizes the Director to certify to the Board of Appeal that the exceptions requested are in conformity with said Development Plan.